

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

COREY BRACEY,

*Plaintiff,*

v.

COREY VALENCIA, *et al*,

*Defendants.*

Civil Action No. 2:19-cv-1385

Hon. William S. Stickman IV

**PRETRIAL ORDER**

AND NOW, this 1<sup>st</sup> day of November 2022, IT IS HEREBY ORDERED that the jury trial in this matter will be governed by the following:

1. **Jury Selection & Trial.** Jury selection and trial are scheduled for **March 20, 2023 at 9:30 a.m.**, in Courtroom 8B, 8<sup>th</sup> Floor, Joseph F. Weis Jr. U.S. Courthouse, 700 Grant Street, Pittsburgh, Pennsylvania.

2. **Pretrial Conference.** A pretrial conference is scheduled for **March 16, 2023 at 10:00 a.m.**, in Courtroom 8B, 8<sup>th</sup> Floor, Joseph F. Weis Jr. U.S. Courthouse, 700 Grant Street, Pittsburgh, Pennsylvania.

3. **Exchange of Witness Lists and Exhibits.**

a. Plaintiff shall file and serve its list of trial witnesses, listing separately the witnesses it **will** call and the witnesses it **may** call, if needed (other than purely for impeachment). For each witness listed, Plaintiff shall provide an offer of proof explaining the substance of the witness' testimony. Plaintiff's witness list and offers of proof shall be filed by **February 3, 2023**.

b. Defendant shall file and serve its list of trial witnesses, listing separately the

witnesses it **will** call and the witnesses it **may** call, if needed (other than purely for impeachment). For each witness listed, Defendant shall provide an offer of proof explaining the substance of the witness' testimony. Defendant's witness list and offers of proof shall be filed by **February 10, 2023**.

c. On or before **March 6, 2023**, counsel shall file a Joint Exhibit List setting forth all trial exhibits, by exhibit number, date, author, type of document, outlining any objection as to authenticity with response, and any objection as to admissibility with response.

d. Two exhibit binders shall be delivered to chambers on **March 16, 2023**.

e. Voluminous data shall be presented by summary exhibits pursuant to Fed.R.Evid. 1006, and voluminous exhibits shall be redacted to eliminate irrelevant material (which shall remain available for examination by opposing counsel). Where copies of documents are offered, the originals shall be available for examination, unless waived by stipulation.

4. **Designation of Discovery Excerpts to be Offered at Trial.** The parties shall submit designation of excerpts from depositions, interrogatory answers, and responses to requests for admission to be offered at trial (other than for impeachment) by **January 20, 2023**.

5. **Motions.** The parties shall file all motions in limine, including motions under Fed.R.Evid. 104(a) and motions to limit or sever issues, together with supporting briefs or memoranda of law, by **February 17, 2023**. Responses shall be filed by **February 27, 2023**. All briefs supporting or opposing such motions are limited to 5 pages.

6. **Proposed Jury Instructions & Verdict Slips.** Counsel shall meet in an attempt to

agree on a joint verdict slip and a joint set of proposed **substantive** jury instructions regarding plaintiff(s)' claims and their elements, any defenses and their elements, and any evidentiary or other matters **particular or unique** to this case. The parties need not submit "boilerplate" or standard civil jury instructions. After said meeting, and on or before **February 10, 2023**, counsel shall file a **unified** combined set of proposed jury instructions and shall e-mail the Word version to Rebecca\_McBride@pawd.uscourts.gov. The filed set of instructions shall include both the agreed upon instructions and the proposed instructions to which the parties disagree.

A joint verdict slip shall be filed by **February 17, 2023**. If the parties, after meeting in an attempt to agree on a joint verdict slip are unable to agree, the parties shall submit their respective proposed verdict slips by **February 17, 2023**.

7. **Proposed Voir Dire.** Counsel may be permitted to supplement the standard voir dire questions provided that the proposed questions are filed with the Court by **February 10, 2023**. A joint, brief case statement of the claims and defenses to be read to the jury to introduce the trial due by **February 10, 2023**.

8. **Joint Stipulations.** The parties shall file any joint stipulations by **March 6, 2023**. All possible stipulations shall be made as to:

- a. Facts;
- b. Issues to be decided;
- c. The authenticity and admissibility of exhibits;
- d. Expert qualifications and reports; and
- e. Deposition testimony to be read into the record.

9. **Side Bar Conferences.** The Court believes that counsel should be considerate of the jurors' time. Consequently, side bar conferences are highly disfavored. Counsel will meet with the Court at 8:00 a.m. each day of trial, or earlier if necessary, to raise points of evidence or other issues that would otherwise necessitate a side bar conference. If necessary, counsel and the Court may amplify their objections and rulings on the record after the jury has been excused for a break, for lunch or for the day.

In addition, it is expected that counsel will anticipate evidentiary issues requiring lengthy argument and will address such matters outside of the presence of the jury. The Court will be available at 8:00 a.m. each morning, as outlined above, to address such issues. **THE COURT WILL NOT DELAY THE PROCEEDINGS TO RESPOND TO LAST MINUTE REQUESTS FOR CONFERENCES TO DISCUSS MATTERS WHICH, IN THE EXERCISE OF REASONABLE DILIGENCE, COULD HAVE BEEN HEARD AT THE MORNING CONFERENCE.**

10. **Witness List.** Prior to the commencement of trial, counsel shall provide opposing counsel with a complete witness list, and during trial, shall provide opposing counsel with the list of the next day's witnesses by 5:00 p.m. Counsel should be sure that they have adequate witnesses to fill each trial day.

BY THE COURT:

/s/ William S. Stickman IV  
WILLIAM S. STICKMAN IV  
UNITED STATES DISTRICT JUDGE